

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

TERRANCE PRUDE,

Plaintiff,

v.

Case No. 23C1233

CANDACE DIXON,

Defendant.

DECLARATION OF JOHN KIND

I, **JOHN KIND**, declare pursuant to 28 U.S.C. § 1746 and under the penalty of perjury, that the following is true and correct.

1. I make this declaration based on my personal knowledge and my review of records maintained in the ordinary course of business by the Wisconsin Department of Corrections (DOC) and Green Bay Correctional Institution (Green Bay).

2. I was previously employed by DOC as the Security Director at Green Bay from April 2015 to July 2024. I am currently the Security Director at Redgranite Correctional Institution and have been employed by DOC since 1990.

3. In my capacity as the Security Director, under the general supervision of the Warden and Deputy Warden, I am responsible for administering and supervising the security program for the institution. I plan security program changes, direct assignment of subordinate staff, and recommended security policy

to the Warden.

4. I am not a defendant in this lawsuit.

5. Plaintiff Terrance Prude was allowed to proceed on an Eighth Amendment failure to protect claim against Officer Candace Dixon based on allegations that Officer Dixon was aware of a credible threat to stab Prude but did nothing. (Dkt. 5.)

Safety Concerns

6. A Special Placement Need, or SPN, is a designation that the inmate is to be separated from another inmate or staff member.

7. There are two basic types of SPNs: separation from a facility and separation from another person, either inmate or staff member.

8. Threats to injure others do not routinely warrant an SPN unless the person making the threats has a history of assaults within the past year or there are clear and convincing reasons to believe the threat will be carried out.

9. Protective Confinement, or PC, is non-punitive separation from the general population of an institution necessary to ensure the safety and welfare of an inmate.

10. If an inmate feels that he is unsafe and believes he needs to be kept separate from another inmate or staff member, he may file a DOC-1803 form for an SPN or a DOC-1116 form for PC.

11. Although threats do not routinely warrant an SPN or PC, I would still encourage any inmate to file for an SPN or PC if they feel threatened or have been

threatened. This way, the inmate's concerns can be reviewed and addressed. Further, requesting an SPN or PC will provide a paper trail of the request in the event the concern escalates.

12. Between 2022 and March 2023, Prude submitted one request for an SPN; however, it was not against Titus Henderson.

13. Prude is familiar with how to request an SPN and how to report security threats. Prior to March 2023, Prude had submitted at least five SPNs against inmates other than Henderson, some of which are still active. Attached as **Exhibit 1002** is a copy of Prude's SPN history.

14. Prude has not submitted any requests for PC.

15. If an inmate does not wish to file for an SPN or PC, they should still report any concerns regarding their safety to staff. An inmate may report a concern to staff in person at any time, he may write to any staff member, or use the phone to call one of the help lines.

16. Even if an inmate believes that staff are involved in underlying threats, there are numerous options for an inmate to report being threatened, including writing an inmate complaint, speaking to a security supervisor, or writing to the Warden, Deputy Warden, Security Director, a social worker, health services staff, psychological services staff, or the DOC Central Office in Madison.

17. It is extremely important for inmates to report to staff if they feel unsafe so the facility has an opportunity to follow up on the concerns, investigate if there are larger issues that could cause institution unrest, and ensure the inmate

is safe.

18. If an inmate reports to staff that he has been threatened by another inmate or staff member, an investigation will be opened, and proper action will be taken to ensure the safety of the inmate(s), staff, and institution.

19. Additionally, the Green Bay inmate handbook contains instructions for how prisoners are to report sexual misconduct between staff and inmates. Attached as **Exhibit 1003** is a copy of the handbook, which all inmates receive and are instructed to read upon arrival.

20. According to the handbook, “It is important to report an incident of sexual misconduct in a timely manner.” (Ex. 1003 at 4.) All inmates are required to obtain a booklet explaining how to report such misconduct. (Ex. 1003 at 5.)

Terrance Prude and Titus Henderson

21. On February 6, 2023, Prude was transferred to the South Cell Hall, where Henderson was then housed. (Ex. 1000; Ex. 1001.)

22. Prude alleges that I knew that there was “bad blood” between Henderson and Prude. He alleges that I had Prude moved to the same housing unit as Henderson anticipating a “small conflict” to test Henderson’s allegations that Henderson and Prude were in a conflict. (Dkt. 1:7-8.)

23. My recollection is that Prude was moved to the South Cell Hall in February 2023 because we wanted to flip a different high ranking gang member from the South to the North Call Hall. It had nothing to do with Henderson or Prude.

24. I never told Prude that I anticipated a “small conflict” between him

and Henderson. I don't personally recall having concerns about Prude and Henderson being on the same housing unit at the time that Prude was transferred to South Cell Hall.

25. If I knew that there was a risk that Henderson and Prude could have gotten into an altercation if housed on the same unit, they would not have been placed on the same unit.

Officer Candace Dixon

26. Officer Dixon did not report to me at any time that she was aware of a threat made by Titus Henderson against Terrance Prude.

27. On December 30, 2022, Officer Dixon was placed on administrative leave pending an investigation into allegations that are unrelated to Prude and Henderson.

28. On January 5, 2023, Officer Dixon resigned from state service.

29. I am not aware of any investigation into Officer Dixon for suspicion of having an inappropriate relationship with Titus Henderson.

30. I am not aware of any investigation into Officer Dixon for suspicion of bringing cell phones or drugs into the institution.

Terrance Prude's Allegations

31. Prude testified at his deposition that in approximately mid-to-late-2022, an inmate by the name of "Jaleel" was acting on Henderson's behalf and approached Prude multiple times stating that Prude had pornographic photos of Officer Dixon in his possession. "Jaleel" told Prude that Prude needed to return the

photos or pay for them, or he would be met with physical violence. (*See generally* Prude Dep. Tr. 31:6-32:17, 33:10-34:22, 37:16-40:18.)

32. Prude later stated that an inmate by the name of Jaleel, Jamie, or Jamil “was involved with Defendant Dixon and helped with the assault directed by Dixon.” Prude also stated that the inmate was not Jaleel Schultz. (Dkt. 27:6.)

33. Prude did not report to me or any other staff that anyone, including Henderson or anyone with the name Jaleel, Jamie, or Jamil, had threatened him in 2022.

34. In February 2023, Prude alleges that he had a conversation with Henderson in the showers where Henderson confronted Prude about pornographic photos of Officer Dixon that Henderson alleged Prude had in his possession. Prude alleges that Henderson told Prude that if Prude did not turn over the photos of Officer Dixon or pay, “the threat still stands.” (Prude Dep. Tr. 47:3-48:6.)

35. Prude did not report to me or any other staff that Henderson had threatened him in February 2023.

36. If Prude had reported the threat to any staff besides me, staff are trained to report the threat to the security office.

37. No staff reported a threat by Henderson against Prude prior to the March 2023 incident.

38. On March 11, 2023, Prude was assaulted by inmate Titus Henderson in the Health Services Unit at Green Bay. Henderson stabbed Prude in the neck with a pen, which resulted in Prude being sent to the hospital.

39. An SPN was filed on Prude's behalf to keep Prude and Henderson separated by facility on October 12, 2023. The SPN is currently in effect and does not have an expiration date.

40. During the investigation, Henderson told staff that he attacked Prude out of self-defense. Henderson believed that Prude had a razor in his hand and was raising his hand to attack Henderson, so Henderson took the pen out of his pocket and attacked first.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed August 8, 2024.

s/John Kind
JOHN KIND